

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

Case No. 2:14-cr-357-APG-VCF

5 Plaintiff,

**ORDER DENYING WRIGHT'S (1)
REQUEST FOR DAILY TRANSCRIPTS
AND (2) ORAL MOTION FOR
RECONSIDERATION OF ORDER
DENYING BIFURCATION**

6 v.

7 BRIAN WRIGHT, *et al.*,

8 Defendants.

(Dkt. #87)

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11 Defendant Brian Wright has requested daily transcripts of the trial testimony. Mr. Wright
12 has not offered sufficient reasons to justify that large expense. His request is denied.

13 On February 22, 2016, Mr. Wright orally moved for reconsideration of my prior Order (Dkt.
14 #87) denying his motion to bifurcate the trial of count five (Felon in Possession of a Firearm) from
15 the other counts. "Reconsideration is appropriate if the district court (1) is presented with newly
16 discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3)
17 if there is an intervening change in controlling law." *Sch. Dist. No. 1J, Multnomah Cnty., OR v.*
18 *ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). A district court also may reconsider its decision
19 if "other, highly unusual, circumstances" warrant it. *Id.* "A motion for reconsideration is not an
20 avenue to re-litigate the same issues and arguments upon which the court already has ruled." *In re*
21 *AgriBioTech, Inc.*, 319 B.R. 207, 209 (D. Nev. 2004). Additionally, a motion for reconsideration
22 may not be based on arguments or evidence that could have been raised previously. *See Kona*
23 *Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

24 Mr. Wright has failed to offer any new evidence, argument, or change in the law regarding
25 his motion to bifurcate. Nor has he demonstrated that the Order is clearly erroneous or manifestly

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1 unjust. There are no other—let alone highly unusual—circumstances to warrant reconsideration.
2 Thus, Mr. Wright's motion for reconsideration is denied.

3 Dated: February 22, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE